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10/061,064	01/23/2002	Evan Stephen Crandall	113397C	7625
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/061,064

**Applicant(s)**

CRANDALL ET AL.

**Examiner**

OMAR PARRA

**Art Unit**

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**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-11, 13-15 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-11, 13-15 and 19-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/23/2010 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 2-11, 13-15 and 19-21 have been considered but are moot in view of the new ground(s) of rejection.

Although a new ground of rejection is presented, the examiner believes necessary to address some of the applicant's arguments since the Ludwig reference is still believed to cover some of the newly added limitations.

Applicant argues that "*Ludwig does not disclose synchronous switching between two senders and a recipient*", Remarks section, page 9. To this matter, the examiner respectfully disagrees.

Ludwig clearly teaches that when a video conference (which can include file sharing and annotations, while having video and telephone connection) is taking place among a group A of people, any of the participants is able to put on

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Hold the videoconference A and get included into a video conference B, from a second caller. The user is able to Resume all of the On-Hold conferences, calls, etc in which he/she is participating in and continue receiving video, call, file sharing and annotations as soon as he/she switches (Resume) to the conference. It is clear, then, that Ludwig teaches a system that permits the user to switch among multiple conferences and conversations ([0268]-[0274]).

Therefore, the examiner respectfully believes that the art of record along with the newly added reference cover all the limitations of the applicant's invention as claimed.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-5, 11, 13, 14 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig et al. (hereinafter 'Ludwig', Pub. No. 2007/0168426) in view of Katz (Pub. No. 2006/0215029) in further view of Miyamoto et al. (hereinafter 'Miyamoto', Patent No. 5,571,652).

Regarding claims 13, 14 and 21, Ludwig teaches an apparatus for transmitting an audio / visual (A/V) file (**video content, screenshots, multimedia documents, etc, [0055]-[0057]; [0167]; [0186]**) between a sender

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and a recipient (**caller and callee, Fig. 23; [0142]-[0144]**), using a voice communication network and a data network, said voice communication network independent of said data network (**[0047]; [0059]**), the recipient being identified by a voice communication network address and a data network address (**There is a database where it is established which ports are assigned for audio/video services or data services, once a user is identified, [0134]-[0138]; [0142]-[0143]**) the apparatus comprising:

means for establishing a voice connection on said voice communication network between said sender and said recipient, said recipient having a voice communication network address (**using the port designated for calls, a physical voice communication is established between caller and callee, [0142]-[0145]; [0150]**) ;

means for determining a recipient data communication network address based on an association between said recipient data communication network address and said recipient's voice communication network address (**service server and directory server 66, Fig. 21 determine what services and ports are being used by each receiver, [0134]-[0138]; [0142]-[0145]**) ;

means for downloading said A/V file from said sender to a server associated with said recipient data communication network address via said data network during said voice connection (**Upon acceptance of sharing data, the data can be edited, navigated through at the caller or sender's station or at a central server. There can be different additional servers for the services provided, [0069]-[0071]**); and

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means for receiving navigation instructions to navigate through said A/V file from said recipient via said voice connection **(The participants of the data sharing can edit, annotate or navigate while having a voice connection; therefore, one participant can tell the other one commands for editing/navigating through the content);**

means for synchronized switching between the A/V file associated with the sender and an additional A/V file associated with an additional sender in response to switching between the voice connection associated with the sender and an additional voice connection associated with the additional sender **(when a video conference -which can include file sharing and annotations, while having video and telephone connection- is taking place among a group A of people, any of the participants is able to put on Hold the videoconference A, and get included into a video conference B, from a second caller. The user is able to Resume all of the On-Hold conferences, calls, etc in which he/she is participating in and continue receiving video, call, file sharing and annotations as soon as he/she switches (Resume) to the conference, [0268]-[0274]).**

On the other hand, Ludwig does not explicitly teach that the navigation instructions are dual-tone multi-frequency (DTMF) signal navigation instructions to navigate through said A/V file.

However, in an analogous art, Katz teaches a system that permits the control of shared of A/V content with the use of a telephone pad (80, Fig. 3; [0083]). The telephone keypad produces DTMF signals that permit control at

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both ends of a communication ([0083]-[0085]). The telephone pad can be part of the computer keyboard or a separate telephone pad ([0083]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Ludwig's invention with Katz' DTMF navigation telephone pad for the benefit of giving the convenience to the user of using only a single device, the already in use phone keypad, to control the received video.

Additionally, Ludwig and Katz do not explicitly teach downloading storage restriction control information related to the A/V file from the sender to a server associated with the recipient.

However, in an analogous art, Miyamoto teaches a system including a network for transmitting and exchanging multi-media information such as video, still picture, text, and voice and two or more user terminals providing input and output functions for multi-media information. The communication system further includes a multi-media server, which serves to reduce the load of a file volume and a processing amount applied on the user terminal. The multi-media server is composed of a communication interface unit 5, a real-time signal processing unit 7 and a file 8, both of which are used for editing or working the data for each terminal, and a control unit 6 for controlling the real-time signal processing device 7 and the file 8 (col. 8 lines 21-32). Miyamoto teaches that the terminal sender downloads content on the server content to be shared with another terminal. The data sent to the server includes the recipient's address along with recipient's controlling/restriction information (Fig. 8; col. 7 lines 17-43).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Ludwig and Katz' invention with Miyamoto's feature of including control/restriction data on the shared data for the benefit of clearly establishing the what use the information is meant to receive.

Regarding claim 2, wherein the A/V file is broadcast to the recipient after the recipient authorizes the broadcast (**Ludwig: The recipient needs to be logged on to the service and also has to accept or authorize any transfer or service, 1, Fig. 23; [0140]-[0143]**).

Regarding claim 3, wherein the recipient authorizes the broadcast by remaining on the voice connection for a designated period of time reads on the connection is performed is done between the two participants in a per session manner. In other words, if a log off or ending the sharing or call will stop the transfer.

Regarding claim 4, wherein the recipient authorizes the broadcast by transmitting a signal across the voice communication network after the voice connection has been established (**Ludwig: 7, Fig. 23**).



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Regarding claim 5, wherein the recipient authorizes the broadcast by transmitting a signal across the data network after the voice connection has been established (**Ludwig: Authorization is performed by logging in as 1, Fig. 23; [0060], where the data part is used for data communication**).

Regarding claim 11, wherein the sender is an automated interactive response system (**Ludwig: CWSs are computers that can be set to automatically receive calls, [0144]. This includes senders and recipients**).

5. Claims **6-10, 15, 19 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig et al. (hereinafter 'Ludwig', Pub. No. 2007/0168426) in view of Katz (Pub. No. 2006/0215029) in view of Miyamoto et al. (hereinafter 'Miyamoto', Patent No. 5,571,652) in further view of Ahuja et al. (hereinafter 'Ahuja', Patent No. 5,689,553).

Regarding claims 6 and 19, Ludwig, Katz and Miyamoto teach all the limitations of the claim it depends on. Ludwig also teaches receiving an input from the recipient or sender (user or caller clicks or calls a recipient, [0142]). On the other hand, Ludwig does not explicitly teach changing the information transmitted to the recipient data network address based on the input from the recipient or sender.

However, in an analogous art, Ahuja teaches a system for multimedia telephone calls, where audio/video data can be shared or transmitted (col. 4 lines 9-37). Ahuja teaches that multiple separate networks are used (col. 4 line 38-col. 5 line 44). Ahuja teaches that a caller can dial a called party from a computer, a regular phone, a video phone, etc. The calling party dials the telephone number through the old telephone network and a server checks that if the called user is part of multimedia telecommunication network (col. 2 line 56-col. 3 line 18; col. 12 line 46-col. 13 line 11; col. 13 line 58-col. 14 line 28). Once established the type of connection required, the server serves as a bridge for changing the formats of the content for being usable on the different types of networks (col. 6 line 47-col. 7 line 43; col. 14 lines 18-28).

Therefore, it would have been obvious to one of ordinary skill in the art to have modified Ludwig, Katz and Miyamoto's invention to incorporate a server that changes the data or bridges the data to be usable for the different users and networks as taught by Ahuja for the benefit of making the system adaptable and extensive to the different or more types of user devices.

Regarding claim 7, wherein the input is a signal transmitted across the voice communication network (**Ludwig: using the port designated for calls, a physical voice communication is established between caller and callee, [0142]-[0145]; [0150]. Ahuja: at least, col. 13 line 58-col. 14 line 47).**

Regarding claim 8, wherein the input is a signal transmitted across the data network (**Ahuja: col. 12 lines 46-67).**

Regarding claim 9, wherein the signal is a DTMF signal **(Ahuja: the call goes through the old phone network. As it is well known in the art, DTMF signal are sent from a telephone set to the switch on the public telephone network in a standard phone call).**

Regarding claim 10, Ludwig, Katz, Miyamoto and Ahuja do not explicitly teach wherein the signal is a voice command.

Official Notice is taken (as previously performed on the Office Action on 07/01/2005, and taken as an admission due to no response to the matter since then) for the signal being a voice command. The use of a voice command is notoriously known in data communication art (i.e. the user could say "Call 555-5555" and the system will recognize the command using the speech recognition and place a call using the stated phone number.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ludwig and Ahuja's invention to use voice commands so to provide to user a friendly device that presents to users options that are easily to understand as similar to the options provided by conventional voice mail.

Regarding claim 15, wherein the means for downloading is initiated by means for sending a signal to said server, said server attached to the data network and capable of transmitting the file to the recipient data network address **(Ludwig: sender has to contact the AVNM server, which is on server 60, for**

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**this to control all the servers used for transmission of content, [0071];  
[0230]. Ahuja: col. 7 line 44-col. 8 line 2).**

Regarding claim 20, wherein the A/V file is adapted for rendering on a television screen **Ludwig: [0134])**.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMAR PARRA whose telephone number is (571)270-1449. The examiner can normally be reached on 9-6 PM (M-F, every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/  
Supervisory Patent Examiner, Art Unit 2421

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